

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

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No. 52] NEW DELHI, FRIDAY, DECEMBER 11, 1953

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## HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 11th December, 1953:—

BILL No. 126 OF 1952

*A Bill to extend the jurisdiction of a University of any State in India to other State or States linguistically connected or for any other purpose and to provide for matters connected therewith.*

BE it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the University (Extension of Jurisdiction to other State or States) Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) 'appointed day' means the date appointed under sub-section (3) of section 1, for coming into force of this Act.

(b) 'colleges' includes educational institutions where classes higher than matriculation are conducted.

(c) 'jurisdiction' means the University area in which all colleges affiliated to the university are functioning.

(d) 'extension' means to extend the jurisdiction of any University beyond its own State jurisdiction.

**3. Extension of the jurisdiction of any University to other State or States.**—For the purpose of this Act—

(a) the jurisdiction of any Indian University shall extend to a part or to the whole of any State or States on the mutual agreement of the concerned people of that part respectively;

(b) any University shall extend its jurisdiction to a part of other State having linguistic affinity.

**4. Mixed jurisdiction of Universities.**—In certain part or bilingual parts of any State more than one University can have or extend their jurisdiction on the basis of the mutual co-operation.

**5. Appointment of an advisory committee.**—(1) The Government may for the purpose of advising and assisting the University authorities in the discharge of their functions with regard to jurisdiction and other matters connected therewith, appoint such an independent or a joint advisory committee as it may think fit for the whole of India or any part thereof.

(2) The Education Ministry of the Central Government shall make regulations with respect to the constitution and functions of any of the advisory committees appointed under sub-section (1).

**6. Non-interference in the jurisdiction of University.**—(1) No State Government shall have powers to interfere with the extension of the University jurisdiction save as otherwise expressly provided in any other enactment as from the appointed day.

(2) No State Government shall have power to settle the jurisdiction of any University within the State except by the Advisory Committee constituted by the Government.

**7. Liability of the State Government to give help.**—The State Governments concerned are liable to provide all kinds of facilities and aid to the University and to colleges affiliated to any University as long as they are functioning within the jurisdiction of the State.

**8. Transfer of some colleges to certain Universities.**—Save as otherwise expressly provided in any other enactment the affiliation of all colleges whose managing bodies favourably decide under the jurisdiction of any University shall immediately before the appointed day be transferred to such a University whose jurisdiction is notified by the Advisory Committee.

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#### STATEMENT OF OBJECTS AND REASONS

Many University authorities are anxious to extend their jurisdiction, other than their own States, in order to keep contact with their own linguistic areas. Moreover if University jurisdiction is settled according to the linguistic areas then the number of the Universities will be reduced than what they are today. This act will provide the best cultural atmosphere among various States. The present Bill gives effect to the proposals of many University Senates.

SIVAMURTHI SWAMI.

BILL No. 29 of 1953

*A Bill further to amend the Government of Part C States Act, 1951.*

WHEREAS it is expedient further to amend the Government of Part C States Act (XLIX of 1951), for the purposes hereinafter appearing:

Be it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Government of Part C States (Amendment) Act, 19

(2) It shall come into force at once.

2. **Amendment of section 1, Act XLIX of 1951.**—In section 1 of the Government of Part C States Act, 1951, (hereinafter referred to as the said Act) the proviso to sub-section (2) shall be omitted.

3. **Amendment of section 3, Act XLIX of 1951.**—In section 3 of the said Act,—

(i) in sub-section (2), after the word "Delhi", the words "Tripura, Cutch and Manipur" shall be inserted; and

(ii) for sub-section (4), the following shall be substituted, namely:—

"(4) In those States where Electoral Colleges have been constituted, and Legislative Assemblies have not been elected, these Electoral Colleges shall elect the Legislative Assemblies of the States, consisting of as many seats as are allotted to them in the Third Schedule. The election to the Legislative Assemblies by the respective Electoral Colleges shall be held in accordance with the system of proportional representation by means of the single transferable vote:

Provided that before the next general elections, the Assembly constituencies of these States shall be properly delimited by the Delimitation Commission and the election to the Legislative Assemblies of these States shall be by direct suffrage.

4. **Omission of section 23, Act XLIX of 1951.**—Section 23 of the said Act, shall be omitted.

5. **Amendment of section 36, Act XLIX of 1951.**—In section 36 of the said Act, the first proviso to sub-section (1) shall be omitted.

6. **Omission of section 40, Act XLIX of 1951.**—Section 40 of the said Act, shall be omitted.

7. **Omission of section 42.**—Section 42 of the said Act, shall be omitted.

8. **Amendment of the Third Schedule, Act XLIX of 1951.**—In the Third Schedule to the said Act, under columns 1, 2, 3 and 4 the following shall be added at the end, namely:—

"TRIPURA	30	To be settled by the Delimitation Commission before the next General Elections.	To be settled by the Delimitation Commission before the next General Elections.
MANIPUR	30	Do.	Do.
CUTCH	30	Do.	Do. "

## STATEMENT OF OBJECTS AND REASONS

An anomalous position exists with regard to the administration of certain Part C States. While elected Legislative Assemblies and responsible Governments exist in certain Part C States, the people in Tripura, Manipur and Cutch are denied this minimum measure of popular administration. The aim of this Bill is to remove this anomaly.

Secondly, even in those States which possess responsible Governments, the Chief Commissioner or the Lieut. Governor have over-riding powers over the Ministries. The Bill also aims at restricting the powers of the former *vis-a-vis* the latter.

DASARATHA DEB.

BIREN DUTT.

V. P. NAYAR.

## BILL No. 40 OF 1953

*A Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service.*

WHEREAS it is expedient to make provision relating to employment and training for employment and to provide for the establishment of a comprehensive Youth Employment Service and for purposes connected therewith;

Be it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Training and Employment Act, 1953

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

**2. Provision for facilities for employment of persons.**—Subject to the provisions of this Act, it shall be the duty of the Ministries of Labour and Education of the Central Government—

(i) to provide such facilities and service as may be considered expedient for the purpose of assisting persons to select, to fit themselves for and to obtain and retain, employment suitable to their age and capacity;

(ii) to assist employers to obtain suitable employees; and

(iii) generally to promote employment in accordance with the requirements of the community so as to attain thereby a higher standard of living for the whole community.

**3. Appointment of Advisory Committees.**—(1) The Ministries concerned may, for the purpose of advising and assisting them in the discharge of their functions, appoint such separate or joint advisory committees as they may think fit for the whole of India or any part thereof.

(2) The Ministries of Labour and Education shall make regulations with respect to the constitution and functions of any of the advisory committees appointed under sub-section (1).

**4. Establishment of Employment Exchanges.**—(1) The Ministry of Labour may establish and maintain in such places as it thinks fit Employment Exchanges, that is to say offices or places for the collection and furnishing of information either by the keeping of registers or otherwise in respect of persons who seek to engage employees and persons who seek employment.

(2) Without prejudice to sub-section (1), the Ministries may make such arrangements which they deem expedient for the collection and furnishing of information for providing advice, guidance and other services to persons of any class (whether employed or not) for any of the purposes mentioned in section 2 of this Act.

**5. Provision of Funds.**—The Minister or Ministers concerned may provide in the annual budget such sums of money as may be needed for the fulfilment of the purposes of this Act.

**6. Contribution towards the expenditure incurred by private bodies or any local authority.**—The Minister or Ministers may defray or contribute towards the expenditure incurred by any organization, society or State, or any other local authority whatsoever, towards their funds provided the Ministries are convinced that these contributions shall be spent for the purposes mentioned in section 2 of this Act.

**7. Management of Employment Exchanges.**—The Ministers may make regulations with respect to the management of all Employment Exchanges provided by them under this Act and otherwise with respect to the exercise of their functions thereunder.

**8. Right of persons to refuse employment found through any Employment Exchange.**—No person shall be disqualified or otherwise prejudiced in respect of facilities provided at any Employment Exchange on account of his refusal to accept employment found for him through an Employment Exchange if the ground of his refusal is that a trade dispute which affects the trade exists or that the wages offered are lower than those current in the trade in the district where the employment is found.

**9. Provision for Compulsory Training Courses.**—The Minister or Ministers may provide such training courses for persons whether employed or not and who are above the age of compulsion, as he or they think or think necessary or expedient for increasing the efficiency, knowledge, technical skill or capacity of such persons. Either of the Ministers may, by order in writing, compel any child or young person declared to be destitute, delinquent or uncared for under any law for the time being in force to join any training course for such length of time as may be indicated, for the purpose either for getting trained or for any other purpose.

**10. Maintenance of Register of persons seeking employment and publication of figures of persons employed.**—It shall be the duty of the Government to maintain in detail a register of all persons who are seeking employment and the figures of persons employed shall be published in the Official Gazette at least once in two weeks at regular intervals.

**11. Implementation of schemes of training in co-operation with local authorities or private bodies.**—Any scheme of training or employment may be worked through, or in co-operation with, any State Government or local authority or a recognized private organization.

### STATEMENT OF OBJECTS AND REASONS

Although Employment Exchanges have come into being as a result of the war and they have since been continued, there remains much to be done in giving them a proper shape and status in the social and economic life of the country. In the second place, there is a great need of increased facilities of training in the various arts, crafts and industries. Although the Ministry of Labour is attending to this, there is lack of co-ordination between this Ministry and Ministry of Education. In fact the Ministry of Education appears to have nothing to do with this matter. The Bill, therefore, seeks to remedy this unsatisfactory state of affairs. The third object in view is to place greater emphasis on this important work and to arouse governmental as well as popular interest.

DIWAN CHAND SHARMA.

### FINANCIAL MEMORANDUM

What is contemplated by this Bill is to provide for employment and training for employment and to establish a comprehensive youth employment service in the country. This may of course require certain funds to meet such requirements as are envisaged by clauses 4, 5 and 6 of the Bill. This may be brought about by a proper and mutual adjustment and allocation of sums in the respective Budget heads of the Ministries of Labour and Education, without over-burdening the Consolidated Fund of India, as the Central Government is already providing huge sums for the maintenance of the Employment Exchanges. To meet a few small requirements in the shape of a few thousand rupees will in no way create recurring expenditure over and above the existing expenditure on the Employment Exchanges and the like.

### BILL No. 57 OF 1953

*A Bill to provide relief to unemployed workers.*

Be it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Unemployment Relief Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force within six months from the date of its passing.

**2. Definitions.**—In this Act unless the context otherwise requires,—

(a) “commercial establishment” means a bank, an insurance company or any office, shop, restaurant, hotel, theatre or any other

...ry or industrial undertaking not covered by the Factories Act, 1948 (LXIII of 1948);

(b) "dock" shall have the meaning assigned to it in the Indian Dock Labourers Act, 1934 (XIX of 1934);

(c) "employee" means a person, other than a worker, employed in any factory, railway, mine, plantation, transport services, dock, or in an industrial or commercial establishment;

(d) "factory" shall have the meaning assigned to it in the Factories Act, 1948 (LXIII of 1948);

(e) "industrial establishment" means a workshop or other establishment in which articles are produced, adapted, repaired or manufactured with a view to their use, transport or sale and includes Government industrial undertakings and Government and private printing presses;

(f) "mine" shall have the meaning assigned to it in the Indian Mines Act, 1923 (IV of 1923);

(g) "plantation" shall have the meaning assigned to it in the Plantations Labour Act, 1951 (LXIX of 1951);

(h) "public services" means services under the Government, Central or State or of any local body or educational institution, including Universities and hospitals and dispensaries;

(i) "railways" shall have the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890) and also includes privately owned or privately run railways;

(j) "transport services" include all transport services whether by land, sea or air;

(k) "worker" means any person employed directly or through any agency, whether for wages or not, in any factory, railway, mine, transport services, plantation, dock or in an industrial or commercial establishment.

**3. Registration and Relief Centres.**—The Government shall open employment exchanges and unemployed relief centres in every municipal town for the registration of the unemployed.

**4. Registration of the unemployed.**—(1) Any worker, or employee, man or woman employed in any factory, mine, plantation, railway or transport service, dock, bank or insurance company or any commercial or industrial establishment or a public service shall have the right to get himself or herself registered at the nearest employment exchange and unemployed relief centre and shall be entitled to receive an unemployed registration card free of cost.

(2) Any man or woman above the age of sixteen years who, not having been previously employed, applies for a job to the employment exchange and unemployed relief centre and for whom employment is not secured for one month from the date of his application shall be entitled to receive an unemployment registration card.

**5. Claim of unemployment relief.**—(1) Any registered unemployed shall have the right to claim unemployment relief if he has been unemployed for a period of fifteen days continuously or a total of fifteen days during one calendar month.

(2) In the case of persons referred to in sub-section (2) of section 4, they shall be entitled to claim unemployment relief if they do not get employment for one month from the date of their registration.

**6. Verification.**—The employment exchange and unemployed relief centres shall verify the claim of the unemployment relief claimant within seven days through proper enquiry and shall inform the claimant of the enquiry within three days of the completion of the enquiry.

**7. Appeal against the result of the enquiry.**—(1) If any registered unemployed is dissatisfied with the result of the enquiry in his case, he shall be entitled to ask for the reference of his claim to a court of appeal, which shall consist of one nominee each of the local trade union to which the unemployed claimant concerned belongs, and the Government, and the Chairman or a representative of the local Municipal Board.

(2) The decision of the court of appeal shall be binding on both the claimant and the Government.

**8. Receipt of relief.**—In case of claims being accepted by the Central Government or decreed by the court of appeal, the claimant shall be entitled to receive the amount due to him as relief within three days of the acceptance of his claim or the decree of the court of appeal and on the same date in subsequent months during the pendency of his accepted claim.

**9. Disqualification.**—Refusal of a job, carrying a lower wage and rates of dearness allowance and other allowances than what he was earning before being rendered unemployed or a job arising out of an industrial dispute or a job for which he is demonstrably unsuited or in which conditions of service are less favourable than in his usual employment, shall by no means disqualify any worker or employee from receipt of unemployment relief.

**10. Period of relief.**—A registered unemployed worker or employee shall be entitled to receive unemployment relief during the entire period of his unemployment and shall cease only on his being re-employed.

**11. Rule making power of the Government.**—The Government shall make rules and publish them in the Official Gazette to carry out the provisions of this Act.

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## STATEMENT OF OBJECTS AND REASONS

As a result of numerous closures of factories, mines, plantations, banks and other concerns and heavy retrenchment in public service, large scale increase in the number of unemployed has taken



plac in the country. Besides, there are large number of young men and women looking for jobs who are unable to find employment. This causes intense misery and sufferings to the unemployed and their dependents, leading to manifold social evils.

It is, therefore, felt that the Government must undertake the responsibility to provide relief to the unemployed and their families where it fails to secure for them suitable jobs on their being rendered unemployed.

A. K. GOPALAN.

V. P. NAYAR.

BILL No. 60 OF 1953

*A Bill further to amend the Chartered Accountants Act, 1949.*

BE it enacted by Parliament as follows:—

**1. Short title and commencement.**—(1) This Act may be called The Chartered Accountants (Amendment) Act, 19

(2) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of the Act.

**2. Amendment of section 2, Act XXXVIII of 1949.**—In the Explanation to section 2 of the Chartered Accountants Act, 1949 (hereinafter referred to as the said Act), after the words “deemed to be in practice” the words “on the same footing as any chartered accountant” shall be inserted.

**3. Amendment of section 4, Act XXXVIII of 1949.**—In section 4 of the said Act,—

(a) in clause (iii) of sub-section (1), after the words “before the commencement of this Act”, the words “or having appeared and failed at any such examination held in the years 1932, 1933 and 1934 was, in consideration of such appearance and failure, admitted to any of the final examinations held under the Auditors’ Certificates Rules, 1932, in the years 1935, 1936 and 1937 and passed it” shall be inserted;

(b) clause (v) shall be omitted and clause (vi) shall be re-numbered as clause (v); and

(c) in sub-section (3), for the brackets, figures and word “(iv), (v) and (vi)” brackets, figures and word “(iv) and (v)” shall be substituted.

**4. Amendment of section 7, Act XXXVIII of 1949.**—In section 7 of the said Act, after the words “designated as Chartered Accountant” the words and brackets “(or where he practises, under a firm name, the name of the firm may be prefixed to the words Chartered Accountant such as ‘Ram Lal and Company, Chartered Accountant’” shall be inserted.

**5. Amendment of section 29, Act XXXVIII of 1949.**—In sub-section (2) of section 29 of the said Act, after the word “recognise” words “on a basis of reciprocity” shall be inserted.

**6. Amendment of section 33, Act XXXVIII of 1949.**—In the proviso to section 33 of the said Act,—

(a) after the words “Provided that”, the words “a Chartered Accountant practising under a firm name or” shall be inserted; and

(b) for the word “its” the word “such” shall be substituted.

**7. Amendment of the Schedule, Act XXXVIII of 1949.**—In Part (a) of the Schedule to the said Act, the words “or by his firm if practising as a partner of the firm” shall be added at the end.

### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend certain sections of the Chartered Accountants Act, 1949 with a view to remedy certain injustices, lacunæ and confusions observed in the working of the Act since 1949 and ensure a smooth working of the law. None of the purposes of the Act nor the undertakings given by the Government will be affected by any of the clauses of this Bill.

From 1916 to 1934 Certificates of Practice to audit accounts under the Indian Companies Act, 1913 were granted to persons who passed the examinations held under the Regulations of the Government Diploma in Accountancy and obtained the prescribed practical training. The latter could be undergone even after passing the theoretical examination. From 1935 onwards, under the Auditors' Certificates Rules, 1932 and the Chartered Accountants Act, 1949 a change in system was introduced in that the final examinations under these two Regulations could be taken only about the end of the prescribed period of practical training. The Government Diploma in Accountancy (G.D.A.) examination was abolished after 1934. Certain concessions were then granted, as a transitional measure, to such persons who had failed in the G.D.A. examinations held in the years 1932, 1933 and 1934 to enable them to acquire their theoretical qualifications within the next three years by directly sitting for and passing the final examination held under the Auditors' Certificates Rules, 1932. Thus persons who had passed the G.D.A. examination and those who passed the Registered Accountant (R.A.) Final examination in the manner mentioned above stand on par. The concession given under section 4, (1) (iii) of the Act does not cover cases of persons who passed the R. A. final examination under the transitional regulation. This apparent omission is sought to be remedied by clause 3 of this Bill.

Recognition of foreign qualifications on a basis of reciprocity and retaliation in certain circumstances are provided for by section 26 of the Act. Clause (v) of sub-section (1) of section 4 is redundant and likely to confuse and mislead. Hence the deletion of this clause is deemed necessary and this is sought by clause 3 of the Bill.

Previous to this Act a qualified person was permitted to practise under a 'firm name' and style himself as 'Registered Accountants' in the 'firm name'. This provision is not incorporated in the Act. The lacuna is sought to be removed by clauses 4 and 6 of the Bill.

Adequate statutory provisions must be made in the matter of non-recognition or recognition only on the basis of reciprocity of foreign qualifications. Clause 5 of the Bill is intended to meet this requirement.

The Act, in section 2 (Explanation), places members of the Institute, who are paid employees under any member in practice, on a par with a Chartered Accountant in so far as it relates to the taking of articled clerks. Regulations framed under the Act discriminate as between a Chartered Accountant and such paid employees even in this limited field, thereby preventing greater number of persons from getting the needed training. Clause 2 of the Bill seeks to remedy this state of affairs.

Clause (a) in the Schedule to the Act permits a Chartered Accountant to allow a member of the Institute employed under him to practise in his (employer's) name while no provision is made permitting a firm of Chartered Accountants from allowing members of the Institute employed by the firm to practise in its name. This lacuna is sought to be remedied by clause 7 of the Bill.

C. R. NARASIMHAN.

M. N. KAUL,  
*Secretary.*

